

Wearing Hijab: A Right or Constraint?

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Abstract. The word “hijab” has for long been synonymous with terrorism, exposing Muslim women who wear hijab to racial and religious discrimination. (Sara Slininger 2014) “Anti-Muslim hate crimes rose 17-fold in 2001 compared to 2000.” (Anna Piela 2022; Human Rights Watch 2002) In addition to the dreaded cries of terrorism, “hijab” is also slightly paradoxically linked to oppression, inequality, and slavery that evoke people’s sympathy and urge to help. Governments and organizations issued decrees banning women from wearing the veils such as hijab and burqa -- first at sporting events, then on the streets, then in schools, and gradually throughout the country -- to emancipate vulnerable and stigmatized Muslim women from religious and patriarchal oppression, (Shaista Aziz 2022) liberating Muslim women while marginalizing them more and more. The well-intentioned “liberation movement” was met with the resistance of many “liberated” conservative Muslim women -- “Hijab is my right!” (Imran Qureshi 2022) The liberators, who imposed their views on others, issued edicts that forced the removal of the hijabs, edicts that were seen by conservative Muslim women as equally misogynistic as edicts that forced the wearing of hijabs. (Shaista Aziz 2022) The freedom that some conservative Muslim women seek is not the freedom to take off the hijab, but the freedom to choose to wear it or not. However, various regimes in the past and present made decisions for women by exploiting hijabs or other veils such as burqas and niqabs to oppress women or gain international fame. Other countries ban women from wearing hijabs in certain places or throughout the country, barbarizing and stigmatizing the “hijab” culture to achieve value export and colonization. Similarly, women do not have a choice about what to do with their hijabs. This paper will examine the effect and influence of wearing the hijab on the status and human rights of conservative Muslim women in modern times.

Keywords: Constraint; Wearing Hijab; Muslim Women in Modern Times.

1. Introduction

This paper will discuss the impact on women of the policies and attitudes of the regimes in opposite camps regarding the Muslim veil. It will also compare and contrast the impact of seemingly opposing edicts of conservative Muslim countries and countries that oppose extreme religious oppression of women on women’s rights and status.

2. Compulsory Hijab Law

In some conservative Muslim countries, they make it mandatory for women to wear specific styles of veil and oppress and exploit various rights of women through legal punishment, social discrimination, and traditional beliefs. These regimes misinterpret Quranic verses to secure their dominance. Some Muslim women have put up resistance to this, but until now with little success.

First, it is important to note that the veil or headscarf for Muslim women (although the veil is not limited to women only, nor Muslims only), is not limited to the “hijab” mentioned in the title of this paper. There are many types of veil beside the hijab, such as niqab, burqa, khimar, chador, shayla, al-amira, etc. The difference lies in whether they are just headscarves or full-body coverings. For example, the shayla and al-amira only cover the neck and hair, while the niqab and burqa cover the whole body of the woman, and the burqa even covers the eyes of the woman. In a way, different styles of veil can also reflect the culture, values, categories of beliefs (conservative, secular, atheist Muslim), status of women, and (sexual) crime rate of different regions or groups of people.(Sara Slininger 2014) To more accurately refer to the various styles of headscarves and veils, I will use the word “veil” as the joint name in the following sections, except in quotations.

The compulsory hijab decree is also one of the major reasons why the hijab has been accused of religious oppression, sexism, feudal symbols, and bad habits. As of today (July 24, 2022), Afghanistan and Iran are the only countries that require women to wear the hijab. As reported by the BBC, “Since the Taliban returned to power in August 2021, they have issued various edicts restricting the freedom of women [...] Most Afghan women already wear some form of hijab, a scarf that covers the head and neck, but the new restrictions require women to either wear a full niqab, which covers the face but not the eyes, or a burqa, covering the body and full face with a mesh over the eyes.”(Lara Owen 2022) In Iran, as reported by Radio Free Europe Radio Liberty (RFERL), “An order by Iranian President Ebrahim Raisi to enforce the country’s hijab and chastity law has resulted in a new list of restrictions on how women can dress. [...] The July 5 directive also forces veiled women to use a head scarf that, in addition to covering hair, must cover the neck and shoulders.”(RFE/RL’s Radio Farda 2022) Some other countries or regions have women who wear the hijab or other kinds of veils, either due to social pressure, family pressure, custom, or organizations that force or require women to wear the hijab, or women who voluntarily wear the hijab for different reasons, which I will elaborate on later.

In countries where it is mandatory for women to wear a specific style of veil, women are penalized for not complying with laws and regulations requiring the wearing of veils or for wearing other styles of veils. “The punishment for being seen in public without a headscarf includes arrest, a prison sentence, flogging or a fine – all this for the ‘crime’ of exercising their right to choose what to wear. [...] the ‘morality’ police slapping women across the face, beating them with batons and throwing them into police vans because of the way they are dressed.”(Amnesty International 2019) This “crime” has been accused of being oppression of women and denial of human rights by both some Muslim women and western media. After the Taliban came to power in Afghanistan in August 2021 and tightened the forced hijab decree, some women and anti-hijab activists have been campaigning on social media, such as Twitter, (Lara Owen 2022) and offline by maintaining the original hijab dressing style, taking it off, or wearing traditional Afghan dress as a sign of resistance. They rebelled against this new policy by shouting, “It feels like being a woman is a crime.” (Lara Owen 2022)

In more conservative Muslim countries, in addition to the legal decrees mandating the wearing of the hijab, society and the family are also depriving women of their rights and freedoms. In Muslim countries, “honor killings” are a common occurrence. In society, even when men are driven by a desire to unlawfully touch or assault women, the crime is placed on the woman. Society requires women to discipline and confine themselves to eliminate the possibility of attracting men to commit crimes. While the Qur’an mentions that men and women are subject to the same punishment if they engage in sexual acts outside of the law, it seems to be found that the Qur’an *only* requires a dress code for women, so much so that they use this misunderstanding to hold women responsible for the crimes and further deprive them of their choices. At the same time, such social pressure also makes men with female family members feel nervous. “Anything [...] can be cause for an attack, often carried out by a father or brother. [...] even women and girls who have been raped are slain to remove the stain from the family honor. As with other forms of intimate violence against women, perpetrators are seldom punished.”(Kecia Ali 2003) The misinterpretation of the Qur’an and the ubiquitous oppression of women backfired on everyone, including men. While women suffer physically and psychologically, men put “sexual honor” above intimacy because of overly tense social perceptions and opinions. If a father or brother is told that their daughter or sister has dishonored the sexual honor of their family, they will immediately and justly punish the female family member to stop the rumor from damaging the family’s reputation. In a real case years ago, “the brother kills his sister in defense of the family’s sexual honor. [...] the brother rushes to protect the family honor, promptly and unequivocally.” (Lama Abu-Odeh 1991-1992) And Abu-Odeh continues to elaborate, “these women’s bodies were also simultaneously constructed ‘traditionally:’ ‘chattelized,’ ‘propertized,’ and terrorized as trustees of family (sexual) honor.” (Lama Abu-Odeh 1991-1992) Women are gradually transformed from human beings into symbols of family glory. Abu-Odeh also mentions another point that the impact of capitalism and traditionalism on conservative Muslim women is

contradictory. On the one hand, traditional Muslim society requires women to be conservative through violence to preserve family glory, but on the other hand, the market encourages women “to be seductive, sexy and sexual.” (Lama Abu-Odeh 1991-1992) Women’s bodies are no longer dominated by themselves but by an increasing number of external elements.

3. Compulsory Hijab Ban

A number of countries or organizations, including but not limited to Western countries, have counteracted the Taliban government-led “mandatory veil decree” with either a “hijab ban” or a “burqa ban.” Both countries that have imposed a ban on women’s wearing of the hijab and countries that have imposed a mandatory requirement on it are using women’s bodies to transmit their values and are gradually reducing women’s control over their bodies. The female body seems to have become a battleground between the “feudal,” “traditional,” “barbaric,” “anti-invasion” conservative Muslim camp and the “arrogant,” “superior” democratic camp. Today, there are bans on different kinds of veils in many countries (countries that have bans on burqa specifically: Tunisia, Austria, Denmark, France, Belgium, Tajikistan, Bulgaria, Cameroon, Chad, Republic of the Congo, Gabon, Netherlands, China Xinjiang Region, Morocco, Sri Lanka, and Switzerland), most notably in France and Belgium. “In 2004, France banned the wearing of hijab in schools alongside Christian crosses and the yarmulkes, worn by observant Jews.” While treating them differently, they use the grand excuse of guaranteeing so-called “religiously neutral” “Then in 2010, France became the first country in Europe to impose a ban on full face veils, known as the niqab, in public spaces including public transport and parks, streets and administrative buildings. Women caught wearing a niqab in public space face a 150 euro fine and being arrested by the police. [...] In 2016, authorities across 15 towns and municipalities across France banned the ‘burkini.’”(Shaista Aziz 2022) On the surface, under the pretext of helping women resist oppression, eliminating dangerous elements in sports and competitions, and ensuring the religious neutrality of the community (only attacking Muslim customs) by banning “conspicuous religious symbols,” (Shaista Aziz 2022) there is a covert effort to marginalize and stigmatize (conservative) Muslim women, denying them freedom of religion, freedom of dress, and even freedom to appear in public and competitions, and promoting the exclusion and discrimination of (conservative) Muslims by other citizens. Extreme conservative Muslim countries have issued draconian decrees mandating women to wear specific veils and promoting a social emphasis on sexual honor, thus limiting and disempowering women in all aspects of society and the family. Democratic countries such as France have also banned women from wearing all styles of veil by decree to counter conservative Muslim regimes such as the Taliban and to promote hatred of Muslims in society. Both of them (the only difference is whether or not they are explicitly siding with women) are legally and socially pressure women to deny them their rightful power.

Compared to Muslim men, Muslim women suffer increasing discrimination and prejudice in Western countries due to their overly visible veil, which is becoming the symbol of terrorism due to 9/11 and hijab bans. Compared the impact on Muslim men and women because of the hijab, “when asked whether discrimination against Muslims is a major problem, 62.4 percent of Muslim women answered yes, while 37.6 percent of Muslim men did.” Comparing the impact of the hijab on Muslim women who wear the hijab (mostly conservative Muslims) to Muslim women who do not wear the hijab, “Among women who wear the hijab, 41 percent believed that discrimination against Muslims is a major problem, while only 12 percent of women who do not wear the hijab did.”(Nura Sediqe 2022) In addition, the hijab has a significant impact on the right of Muslim women to compete on an equal footing with others at work. “In the Netherlands, almost 70 percent of job applications that included a photograph of an unveiled woman received a positive callback for jobs requiring high customer-contact. But for applications with hijab-clad photographs the positive rate was 35 percent.” “The field experiment in Germany has given similar results. While 53 per cent of unveiled Muslim women got a positive feedback from employers, only around 25 per cent of veiled women heard back

from the workplaces.”(TRTWorld and agencies 2022) Muslim women wearing the hijab are increasingly ostracized by mainstream Western society, making it difficult for them to survive and ultimately achieve the governments’ goal of assimilating, stigmatizing, or expelling these minority groups.

Muslim women who have been treated unequally because of their religion, mainly conservative Muslim women who wear the hijab, have complained and protested against the government’s differential treatment. “It is misogynistic and hateful to force women to remove hijab --- as much as it is misogynistic and hateful to force women to wear hijab.”(Shaista Aziz 2022) “These women are not asking to be freed from the headscarves; they are asking to be freed from the stereotypes placed on them because of the religion they follow.”(Sara Slininger 2014) Some Muslim women “voluntarily cover their faces has caused anthropologists to argue against the reductive interpretation of veiling as the quintessential sign of women’s unfreedom.”(Lila Abu-Lughod 2002, Hadia Mubarak (accessed 6-Jun-2022))The government that placed a ban on Muslim women wearing the hijab is attempting to flatten Muslim women excessively. Labeling them as a whole as “oppressed women in a patriarchal society.” The hijab has become the best-visualized symbol of the “oppression of women in a patriarchal society.” The oversimplification of these 3.35 million Muslim women in France with many differences can effectively channel public pressure and hatred. The women wearing the hijab become targets. They are required by law and social pressure to remove their veils in order to demonstrate the government’s support for gender equality, the rescue of vulnerable groups from “evil forces,” and the tolerance of religious diversity. Women who insist on wearing the hijab become deviants - they are stubborn old-fashioned, pedantic feudalists, servile people, brainwashed victims, uncivilized races - in short, inferior. The government that banned the hijab enjoyed fame and prestige, while Muslim women who insisted on wearing the hijab became an anomaly in their lives, gradually losing their power while bearing the stigma and prejudice. Muslim women were simultaneously abducted from both societies by the dominant notions of “sexual honor” and “resistance to patriarchal society.” In extreme Muslim societies, those who do not wear the hijab are shamed as sluts, a disgrace to their families, and deserve to be sexually abused. In societies where the hijab is forbidden, those who wear it are belittled as servile people, a disgrace to advanced ideas, and deserve to be oppressed. Both sides pay lip service to justice - wearing the hijab to protect family honor and not wearing the hijab to protect women from oppression - but in reality they give women the same harm. The meaning of wearing the hijab is defined. Women who truly insist on wearing the hijab for the sake of their faith are then labeled as “oppressed women in a patriarchal society” and then lose their space to exist in such a society. People are consciously or unconsciously led to ignore the existence of such a group and deny them their religious freedom. Everything is taught to make way for mainstream thought. Thus, cultures and religions that are “contrary” to the mainstream ideology promoted by the government are stigmatized and marginalized in the name of justice.

Some accuse Western governments of colonialism by opposing the Muslim veil - gaining access to the resources of Muslim countries and spreading their values and culture.(Anna Piela 2022, Shaul Bakhash 2009) They not only politicize the right to wear the hijab but also label and flatten opponents of compulsory hijab or burqa policies in the Islamic world as “feminists” to erase these people’s criticism of Western colonialism in oil industries.(Anna Piela 2022, Shaul Bakhash 2009) Leading society to reject Muslim women is not the ultimate goal, the governments attempt to establish their ideas as the world’s dominant ideology, as advanced, superior, and unique, in order to use moral control to gain more discourse. “If I am an advanced civilization and you are an inferior civilization, so naturally I teach, enlighten, and improve your status quo.” From there, the West can shake the fundamental intellectual philosophy and religious ideology of their enemies like the Taliban. “From then on your core philosophy is defined by me. I will define whether any of your actions are moral or immoral.”

Contrary to what many people misunderstand, the veil does not imply oppression or discrimination in the Qur’an. First, the definition of “hijab”: The “hijab” appears in the Qur’an without oppression or prejudice and does not just belong to women or just to Muslims (until “the 19th century, when the

veil was established as a symbol of Muslim societies by colonial rulers of the Middle East”).(Anna Piela 2022; Lisa Lowe and David Lloyd 1997) “The word *ḥijāb* in the Qur’an refers not to women’s clothing, but rather a spatial partition or curtain.”(El Guindi, Fadwa; Sherifa Zahur 2009) Then, the veil was misrepresented as the Quranic dress code for women: At first, only Muhammad’s wives and upper-class women were allowed to wear the veil, which Slininger explains, “In order to protect them, and other members of Muhammad’s household, the women veiled themselves to conceal their identity from others.”(Sara Slininger 2014) Gradually, instead of being a symbol of slavery, oppression, or inequality, the veil became a symbol of the upper class. Later, the veil evolved into a symbol of modesty, which Slininger concludes, “concealing a woman’s body is presented as being for modesty or to protect her from harm: it is not to oppress or exclude women from the community, but for safety.”(Sara Slininger 2014)

“And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save [...] And let them not stamp their feet so as to reveal what they hide of their adornment. And turn unto Allah together, O believers, in order that ye may succeed.”(Qur’an 24:31 (English Translation, Pickthall edition))

Thus, the Qur’anic references to “hijab” and “veil” do not tend to oppress or subjugate women; the veil is neutral and symbolizes the higher class and serves as a protection. The extreme conservative Muslim regimes have misinterpreted the Qur’anic verses in order to put pressure on society and women, forcing them to value sexual honor on the one hand, and using the veil as a yoke to restrict women on the other. The Western world has taken advantage of this misinterpretation to accuse extreme Muslim regimes of being conservative and uncivilized by degrading the other side to achieve their cultural superiority and to have the effect of ideological dissemination and cultural colonization, and excluding other religions and cultures within their own countries.

A portion of Muslim women is not averse to wearing the hijab, either voluntarily or under duress, because they believe that “it gives them freedom from being harassed by men.”(Bronwen Roberts 2006, Hadia Mubarak (accessed 6-Jun-2022), Sara Slininger 2014) This is true in Western countries, and it is also true in Muslim countries where the hijab is mandatory. In a country where women are blamed instead when they are sexually harassed by men, the hijab somehow gives them the backbone to fight back. While women who do not wear the hijab as required by law are subjected to social and legal blame and punishment after being sexually harassed, women who wear the hijab as required by law can resist sexual harassment with justification and without being blamed. “The veiled woman, on the other hand, is more likely to confront the man with self-righteousness. [...] Public reaction is usually more sympathetic to her as well.”(Lama Abu-Odeh 1991-1992) Different women have different dress needs. The hijab does not absolutely mean oppression, but also symbolizes the devotion and faith of some people, and is a tool for self-preservation for some people (although this is forced by the patriarchal society). It can be seen that what women need is not overly absolute and mandatory policies or bans, but space for choice.

4. Conclusion

As Western society and media collectively accuse conservative Muslim countries of bullying women, exploiting them, and pushing gender inequality by issuing mandatory hijab orders, some Western countries are hitting back with tactics that are also exploiting and infringing on women’s rights, overtly speaking for women, but covertly violating women’s power and religious rights gradually in order to achieve ideological colonization, value export, and domestic religion purification. Although the two sides of the battlefield have opposite positions, the violations against women, especially Muslim women, are no different. The extremist Muslim regimes have made it mandatory for women to wear the hijab to ensure male authority and social stability, and Western countries have used the hijab ban to brand their culture and ideology as advanced, superior, and moral, thus holding the power of international discourse. The only constant in both camps is the constant

disempowerment of women. Conservative Muslim women are looking for a place to survive where they can make decisions for their bodies, rather than have their needs dictated to them.

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